

August 25, 2015

The regular meeting of the Council of the City of Martinsville, Virginia was held on August 25, 2015 in Council Chambers, Municipal Building at 7:30pm, Closed Session beginning at 7:00pm with Mayor Danny Turner presiding. Council members present: Mayor Danny Turner, Vice Mayor Jennifer Bowles, Council Member Gene Teague, Council Member Sharon Hodge and Council Member Mark Stroud. Staff members present included: City Manager Leon Towarnicki, City Attorney Eric Monday, Karen Roberts, Police Chief Sean Dunn, Assistant City Manager Wayne Knox, Finance Director Linda Conover, Dave Brahmstadt and Ruth Easley, Commissioner of Revenue.

Mayor Turner called the meeting to order and advised Council would go into Closed Session. In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon motion by Council Member Teague, seconded by Mayor Bowles with the following recorded 5-0 roll-call vote: Council Member Hodge, aye; Mayor Turner, aye; Council Member Stroud, aye; Council Member Teague, aye; Vice Mayor Bowles. Council convened in Closed Session for the purpose of discussing the following matters: A) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected as authorized by Subsection 6. B) Consultation with legal counsel and briefings by staff members, attorneys or consultants pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by such counsel, as authorized by Subsection 7.

Council returned from Closed Session at 7:35pm. Mayor Turner stated that they would be returning to closed session after the regular Council meeting.

Invocation and Pledge to the American Flag – Council Member Mark Stroud.

Brief presentation by Mr. Mark Hurley, Community Manager for the American Cancer Society - Vice Mayor Bowles read a letter mailed to Former President Jimmy Carter on behalf of the City Council wishing him the best in his recovery. Mayor Turner explained the gray and black ribbons given to each Council Member. Mr. Mark Hurley, Community Manager for the American Cancer Society explained that cancer does not discriminate. The Cancer Society is a volunteer driven organization raising awareness and money which is donated to cancer research. Since 1950, the American Cancer Society has raised over \$30.2 billion for cancer research. In the 1950s a child diagnosed with Leukemia had less than a 5% survival rate; today a child with that same diagnosis has a 90% chance of survival which is proof that progress has been made on cancer research. In 2015, \$116,000 has been raised by Martinsville Relay for Life.

Presentation of a Proclamation recognizing McCabe Memorial Baptist Church's 75th Anniversary – Council Member Teague, member of McCabe Memorial Baptist Church read the proclamation which was then presented to Tim Byrd, Chairman of Deacons at the church.



Proclamation

RECOGNIZING McCABE MEMORIAL BAPTIST CHURCH'S 75th ANNIVERSARY

WHEREAS, McCabe Memorial Baptist Church located at 107 Clearview Drive had its beginnings in May, 1939 as a Sunday School, meeting in the home of Mr. and Mrs. Charles B. Amos; and

WHEREAS, Roselawn Development Corporation gave land for a building site on Clearview Drive and on Saturday, October 21, 1939, men of the Sunday School erected a tabernacle in one day, which became known as "The One Day Church"; and

WHEREAS, In January, 1940, an organizational meeting was held and the Northside Baptist Church was constituted with 88 charter members with the Rev. V. P. Locke, member of First Baptist Church of Martinsville called as the first pastor; and

WHEREAS, In 1942, the first of the present buildings was built and the name changed to the McCabe Memorial Baptist Church in honor of Dr. J. P. McCabe, long-time pastor of the First Baptist Church of Martinsville, who gave of his time and resources to this church and many other churches in the area; and

WHEREAS, On Sunday, August 30, 2015, McCabe Memorial Baptist Church will celebrate its 75th anniversary as a place of worship and ministry to the community;

NOW, THEREFORE, On this 25th day of August, 2015, the Martinsville City Council hereby proclaims its recognition of McCabe Memorial Baptist Church on its 75th anniversary of service, worship, and ministry to our community, and extends its best wishes for a joyful Homecoming event on August 30, 2015 and for continued success for many years to come.

Danny Turner, Mayor

Approval of minutes from August 11, 2015 Council meeting – A motion was made by Council Member Hodge to approve minutes as written, Vice Mayor Bowles seconded the motion; all Council Members voted in favor.

Recognition of City employees who are eligible for Service Awards from July 1 through September 30, 2015 – City Manager Towarnicki recognized the City employees for their years of service.

**SERVICE AWARD RECIPIENTS
FIRST QUARTER - FISCAL YEAR 15-16
FOR THE PERIOD OF JULY 1 – SEPTEMBER 30, 2015**


NAME		DEPARTMENT	YEARS OF SERVICE
ANITRA	HUFF	SHERIFF - JAIL	5
JOSEPH	HAYNES	FIRE DEPARTMENT	10
T J	DUNBAR	SEWER MAINTENANCE	15
SANDRA	GENTRY	COMMONWEALTH'S ATTORNEY	15
SANDY	HINES	POLICE DEPT	15
DAVID	JOHNSTON	WATER MAINTENANCE	15
BART	HAMPTON	SHERIFF - COURTS	20
KATHY	REED	INFORMATION SERVICES	20
ANDY	LASH	WASTEWATER PLANT	25
WILBUR	PRESTON	WASTEWATER PLANT	25
ROGER	SHELOE	CENTRAL GARAGE	25
ESTHER	ADAMS-ARTIS	INFORMATION SERVICES	30

Adoption on second reading of an amendment to the City's Noise Ordinance – City

Attorney Eric Monday stated that there were three concerns raised after the first reading of the amendment. 1. Would this amendment make it difficult for persons who use these vehicles to get to work? He replied that he is unaware of any citizens that would use these vehicles to get to work. 2. Does an electric power-assisted bicycle actually produce any noise, and if not should they be in this amendment? He replied that the definition was pulled from the state code, they don't seem to make very much noise and respectfully suggests that the electric powered bicycles be removed from the amendment. 3. 10:00pm is too late to eliminate the noise and the start time should be moved up earlier, this amendment will not solve the problem. City Attorney Monday said a resident suggested 7:00-8:00pm instead. Council Member Stroud stated that he felt that 10:00pm would be a little late for these all-terrain vehicles to be operated. Council Member Hodge expressed concern that because some people want to go to bed early that it would inhibit others' ability to have fun. Vice Mayor Bowles suggested that the ordinance be amended to remove electric power-assisted bicycles from the amendment. Council Member Teague suggested that the time be changed to dusk instead of a specified time frame because of seasonal changes and since most of those vehicles could not be ridden safely after dark. Hodge questioned if the problem would be solved considering part of the complaint is related to ATVs being ridden in the County but heard in the City. Monday said there are some state laws that can be implemented as well. Council Member Teague made a motion to amend the ordinance to eliminate electric powered bicycles and to make the ordinance effective half an hour after sunset until 7:00am, Council Member Bowles seconded the motion, all Council Members voted in favor to amend the ordinance with those two changes. City Manager Towarnicki wanted to confirm that the 7:00am time would not be changed and that the original section of the ordinance related to power tools, chainsaws, etc. would remain 10:00pm. Council Members and City Attorney confirmed that neither would change. Council Member Teague made a motion to approve the ordinance as amended,

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Council Member Hodge seconded the motion, all Council Members voted in favor by a roll call vote: Turner, aye; Stroud, aye; Bowles, aye; Hodge, aye; Teague, aye.

<p style="text-align: center;">CITY OF MARTINSVILLE, VIRGINIA</p> <p style="text-align: center;">ORDINANCE NO. 2015-1</p> <p style="text-align: center;">NOISE ORDINANCE: OPERATION OF CERTAIN VEHICLES</p> <p>BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled on August 25, 2015, that subsection (3) of section 13-11 of the Code of the City of Martinsville be amended as follows:</p> <p>Sec. 13-11. - Excessive, unnecessary, etc., noise.</p> <p>["it shall be illegal . . ."]:</p> <p>(3) To operate or use, or permit the operation or use of, power lawn mowers, chain saws, power hedge clippers, garden tractors or tillers, leaf mulchers or blowers, snowblowers or like outdoor power equipment in any residential district in the city between the hours of 10:00 p.m. and 7:00 a.m. following-, <u>or to operate or use, or permit the operation or use of an, all-terrain vehicle as defined in § 46.2-100, motorcycle-like device commonly known as a trail-bike or mini-bike, off-road motorcycle, or motorized cart commonly known as a go-cart, in any district in the city between sunset and 7:00 a.m. following.</u></p> <p style="text-align: center;">*****</p> <p>Attest:</p> <p> Karen Roberts, Clerk of Council</p> <table><tr><td><u>8/25/15</u> Date Adopted</td><td><u>9/14/15</u> Date Effective</td></tr></table>	<u>8/25/15</u> Date Adopted	<u>9/14/15</u> Date Effective
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Refund resulting from amended bank franchise tax return for tax year 2015 – Ruth Easley, Commissioner of Revenue stated a local bank's bank franchise return due early March contained some discrepancies. She contacted the bank to let them know they did not have a tax liability in the City. The bank continued to report a liability and submitted their June 1st payment that was due for the local franchise. Because the City did not have paperwork to allow the return of the check, they contacted the bank informing them how to amend their return appropriately. The Commissioner of Revenue's office has completed the adjustment on the payment but the City Treasurer needs Council's approval since the refund is over \$2,500. This refund would not include interest. Council Member Teague made a motion to approve the refund, Vice Mayor Bowles seconded the motion, all Council members voted in favor.

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Adoption of a resolution setting the allocation percentage for personal property tax relief for qualifying vehicles in the City of Martinsville for tax year 2015 – Ruth Easley, Commissioner of Revenue stated that this is an annual request for Council to approve the tax relief percentage for vehicles assessed at \$1,001-\$20,000. In order for the Commissioner of Revenue's office to complete the assessment, they must have the relief rate set. Her office has calculated the relief rate to be 53.8% for qualifying vehicles from \$1,001-\$20,000. Vehicles assessed under \$1,000 would not be taxed. Vehicles assessed over \$20,000 will only get that percentage relief on the first \$20,000. Vice Mayor Bowles made a motion to adopt the resolution and set the allocation percentage to 53.8%, Council Member Teague seconded the motion, all Council Members voted in favor.


Martinsville
A CITY WITHOUT LIMITS

RESOLUTION

SETTING THE ALLOCATION PERCENTAGE FOR PERSONAL PROPERTY TAX RELIEF IN THE CITY OF MARTINSVILLE FOR TAX YEAR 2015

WHEREAS, on December 13, 2005 by Ordinance 2005-8 the Martinsville City Council established a local program of tax relief that serves the best interests of its citizens regarding personal property tax on qualifying use vehicles, pursuant to modifications made by the General Assembly of Virginia to the Personal Property Tax Relief Act of 1998 (PPTRA); and


WHEREAS, the city's relief program requires the city council to adopt an annual percentage of local tax relief for personal use vehicles valued between \$1,001 and the first \$20,000 that will fully exhaust the PPTRA relief funds provided to the city by the Commonwealth of Virginia; and

WHEREAS, the commissioner of the revenue has completed the annual assessment of motor vehicles with Martinsville tax situs for Tax Year 2015; and

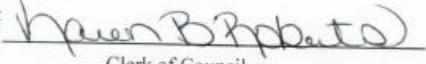
WHEREAS, the commissioner of the revenue estimates that a percentage of relief of 53.8% applied to the first \$20,000 of assessed values for qualifying vehicles valued over \$1,000 will fully use all available state PPTRA relief allocated for tax year 2015.

NOW, THEREFORE BE IT RESOLVED by the Martinsville City Council that 53.8% shall be the percentage of relief to be applied to the first \$20,000 in value of each qualifying vehicle with an assessed value more than \$1,000 pursuant to and in accordance with provisions of Sec. 21-10 of the Martinsville City Code.

Adopted this 25th day of August 2015.



Danny Turner, Mayor

ATTEST: 

Clerk of Council

VOTE

AYE

AYE

AYE

AYE

AYE

Danny Turner
Jennifer Bowles
Sharon Brooks Hodge
Mark C. Stroud, Sr.
M. Gene Teague

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Consider approval of consent agenda – Council Member Teague made a motion to approve the consent agenda, Council Member Hodge seconded the motion, all Council Members voted in favor.

BUDGET ADDITIONS FOR 8/25/15				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY15				
General Fund:				
01101916	434105	State Categorical Shared - Comm Atty - Office Expenses		5,749
01101916	434106	State Categorical Shared - Comm Atty - Equipment		2,097
01221082	506001	Commonwealth's Attorney - Office Supplies	7,846	
		Additional fund received from Commonwealth		
Total General Fund:			7,846	7,846

BUDGET ADDITIONS FOR 8/25/15				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY16				
General Fund:				
01102925	436103	Non-categorical Federal - Police/Byrne/JAG Grant		143,997
01311085	506082	Police Dept. - Byrne/JAG Grant	143,997	
		Appropriation of Grant funding		
01100909	490104	Advance/Recovered Costs		4,031
01217078	506138	Sheriff Courts - Motorcycle Equip/Maintenance	4,031	
		Insurance Reimbursement		
Total General Fund:			148,028	148,028

Council Member Hodge brought up the Fluoride topic, making a motion to stop the fluoride program for the City water, Vice Mayor Bowles seconded the motion. Council Member Teague stated that he appreciated those who have researched and spoke on the fluoride discussion. He stated that after much personal research, he is convinced that fluoride is safe for the community, that it is beneficial in prevention of tooth decay, that it is the right thing to do for those citizens that cannot afford dental care. He feels that the community supports the continued use of fluoride, and that the program is affordable for the City. Vice Mayor Bowles stated that it is not acceptable to force something on citizens that they don't want and that the money could be allocated to the dental clinic instead. Council Member Hodge agrees with Bowles and agrees it's wrong for the government to force anyone to ingest a treatment against their will. Council Member Stroud stated that he would never do anything that he believes is detrimental to the citizens of Martinsville and feels that if citizens are against the fluoride in the water that there are other avenues they can take and that he would not support the elimination of fluoride from the City water. Mayor Turner stated that he would also vote to continue the fluoridation of City water. Hodge asked that the residents continue their

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commitment to the elimination of fluoride topic and suggested they return with their argument after the next election. Council Member Hodge made a motion to stop fluoridation of City water, Vice Mayor Bowles seconded the motion, motion died with a 2-3 roll call vote: Teague, nay; Bowles, aye; Hodge, aye; Turner, nay; Stroud, nay.

Business from the Floor –

Tom Marshall, Auburn Place – thanked Council for hearing the citizen's concerns regarding fluoridation. He believed it is important to tell the whole story and felt that the rest of the story on fluoridation needs to be addressed.

Joe Martin, East Church St – expressed his appreciation to those who have shown up for the Council meetings over the past six months and for expressing their concerns regarding the fluoridation topic. He said it is his experience that approximately 4 out of 5 residents do not want fluoridated water after hearing the facts and directed the citizens to the “Stop Adding Fluoride to the Martinsville City Water Supply” Facebook page.

Patrick Wright, 1201 Spruce St – said he's heard stories about bed bugs and asked who he would talk if his apartment building had this problem? City Attorney Monday suggested that it be brought to the attention of the building management. City Manager Towarnicki said it would not be an issue for the City Inspection Departments.

Minister Leonard Jones, 701 Starling Ave –expressed concern regarding the money allocated for Mr. Wampler's salary at New College Institute. He wanted to know who was making the decisions and coming up with all the “dreams” and goals that aren't working for the City; stating that it seems that assistance for products is only given to specific people in the community. He stated that Council should be more inclusive when making decisions so that part of the Community doesn't feel excluded. Turner stated that Mr. Wampler is not on the City payroll and there is no taxpayer money involved in his salary. City Attorney Monday said that although he respects Mr. Jones, that it is unfair to accuse the Council of pursuing goals that did not achieve expectations when other organizations such as The Harvest Foundation were in charge of the arena and other projects. He stated that the City Council was supportive of these projects but did not handle the plans. He said the NCI Foundation and The Harvest Foundation were responsible for deciding the salary for Mr. Wampler, not the City Council members. Mr. Jones stated that what is already done is history but he asked that Council be supportive of additional group projects going forward.

Comments by members of City Council –

Council Member Stroud – apologized for missing the last meeting, he was out of town celebrating his 38 wedding anniversary.

Mayor Turner – thanked the NAACP for hosting a meeting at FAHI Thursday August 21, 2015 which he attended with Police Chief Sean Dunn, Council Member Teague and Assistant City Manager Wayne Knox.

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Mayor Turner announced that Council would return to closed session at 8:48pm.

At the conclusion of the Closed Session, each returning member of Council certified that (1) only public business matters exempt from opening meeting requirements were discussed in said Closed Session and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during the Session. On a motion by Council Member Teague and seconded by Council Member Hodge, all Council Members voting in favor.

There being no further business, a motion was made to adjourn the meeting at 9:15pm by Council Member Stroud, seconded by Vice Mayor Bowles; all Council Members voted in favor.

Karen Roberts
Clerk of Council

Danny Turner
Mayor